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DANIEL FEDER

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ATTORNEYS FOR DEFENDANT
HEWLETT-PACKARD COMPANY

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

DANIEL FEDER, individually and on
behalf of all those similarly situated,

Plaintiff,

vs.

HEWLETT-PACKARD COMPANY,

Defendant.

Case No. C-05-02462 (WBD)

**STIPULATION AND PROPOSED
ORDER TO TRANSFER VENUE**

CLASS ACTION

STIPULATION

THIS STIPULATION is made and entered into by and between Defendant Hewlett-Packard Company ("HP") and Plaintiff Daniel Feder ("Plaintiff") (together referred to as "the Parties"), and their counsel of record in the above-entitled action.

1. Pursuant to 28 U.S.C. § 1404(a)-(b) and Local Rule 3-2(f), the Parties, through their undersigned counsel, hereby stipulate to transfer the above-entitled action from the Oakland Division to the San Jose Division of the United States District Court for the Northern District of California. The Stipulation is made for the convenience of the Parties and witnesses.

2. In support of the Stipulation, the Parties state and agree that:

(a) venue is proper in the San Jose Division pursuant to 28 U.S.C. § 1391(a)(2) because the Plaintiff resides in the district;

(b) venue is proper in the San Jose Division pursuant to Cal. Civ. Code § 1780(c) because HP is, and has been, doing business in Santa Clara County;

(c) venue is proper in the San Jose Division pursuant to Local Rule 3-2 because the convenience of the Parties and witnesses will be served by transferring the action.

3. This Stipulation represents the entire understanding between the Parties concerning the subject matter hereof.

1 Dated: July 25, 2005

MORGAN, LEWIS & BOCKIUS LLP

2
3 By: Molly Moriarty Lane
4 Molly Moriarty Lane (Bar No. 149206)
5 David S. Harris (Bar No. 215224)
6 Attorneys for Defendant

7
8 Dated: July _____, 2005

CHAVEZ & GERTLER LLP

9
10 By: _____
11 Mark A. Chavez (Bar No. 90858)
12 Attorneys for Plaintiff

13
14 Dated: July _____, 2005

SHELLER, LUDWIG & BADEY

15
16 By: _____
17 Jonathan Shub (*Pro Hac Vice*)
18 Attorneys for Plaintiff

19
20 Dated: July _____, 2005

SEEGER WEISS LLP

21
22 By: _____
23 David R. Buchanan (*Pro Hac Vice*)
24 Attorneys for Plaintiff

25
26 Dated: July _____, 2005

CUNEO, WALDMAN & GILBERT, LLC

27
28 By: _____
Steven N. Berk (*Pro Hac Vice*)
Attorneys for Plaintiff

Dated: July _____, 2005

EDELSON & ASSOCIATES, LLC

By: _____
Marc H. Edelson (*Pro Hac Vice*)
Attorneys for Plaintiff

1 Dated: July _____, 2005

MORGAN, LEWIS & BOCKIUS LLP

3 By: _____

Molly Moriarty Lane (Bar No. 149206)
David S. Harris (Bar No. 215224)
Attorneys for Defendant

6 Dated: July 22, 2005

CHAVEZ & GERTLER LLP

8 By: Mark A. Chavez
Mark A. Chavez (Bar No. 90858)
Attorneys for Plaintiff

10 Dated: July 22, 2005

SHELLER, LUDWIG & BADEY

12 By: Jonathan Shub
Jonathan Shub (*Pro Hac Vice*)
Attorneys for Plaintiff

14 Dated: July 22, 2005

SEEGER WEISS LLP

16 By: David R. Buchanan
David R. Buchanan (*Pro Hac Vice*)
Attorneys for Plaintiff

18 Dated: July 22, 2005

CUNEO, WALDMAN & GILBERT, LLC

20 By: Steven N. Berk
Steven N. Berk (*Pro Hac Vice*)
Attorneys for Plaintiff

22 Dated: July 22, 2005

EDELSON & ASSOCIATES, LLC

24 By: Marc H. Edelson
Marc H. Edelson (*Pro Hac Vice*)
Attorneys for Plaintiff

PROPOSED ORDER

IT IS SO ORDERED.

Dated: July 25, 2005

/s/ Wayne D. Brazil

Hon. Wayne D. Brazil
U.S. Magistrate Judge

PROOF OF SERVICE

I, Alice Caracciolo, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is One Market, Spear Street Tower, San Francisco, CA 94105. On July __, 2005, I served the within document:

STIPULATION AND PROPOSED ORDER TO TRANSFER VENUE

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below.

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10 I am readily familiar with the firm's practice of collection and processing correspondence
11 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
12 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
13 motion of the party served, service is presumed invalid if postal cancellation date or postage
14 meter date is more than one day after date of deposit for mailing in affidavit.

13 I declare that I am employed in the office of a member of the bar of this court at whose
14 direction the service was made.

15 Executed on July 25, 2005 at San Francisco, California.

16 I declare under penalty of perjury under the laws of the State of California and the United
17 States of America that the above is true and correct.

18 
19 Alice Caracciolo